



Sen. Ira I. Silverstein

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09800HB0804sam003

LRB098 03641 RLC 46114 a

1 AMENDMENT TO HOUSE BILL 804

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 804, AS AMENDED, in  
3 the introductory clause of Section 5 by replacing "11-0.1" with  
4 "11-1.40"; and

5 by replacing all of Sec. 11-0.1 of Section 5 with the  
6 following:

7 "(720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

8 Sec. 11-1.40. Predatory criminal sexual assault of a child.

9 (a) A person commits predatory criminal sexual assault of a  
10 child if that person commits an act of sexual penetration or an  
11 act of contact, however slight between the sex organ or anus of  
12 one person and the part of the body of another, and the  
13 accused is 17 years of age or older, and:

14 (1) the victim is under 13 years of age; or

15 (2) the victim is under 13 years of age and that  
16 person:

- 1 (A) is armed with a firearm;
- 2 (B) personally discharges a firearm during the  
3 commission of the offense;
- 4 (C) causes great bodily harm to the victim that:
- 5 (i) results in permanent disability; or
- 6 (ii) is life threatening; or
- 7 (D) delivers (by injection, inhalation, ingestion,  
8 transfer of possession, or any other means) any  
9 controlled substance to the victim without the  
10 victim's consent or by threat or deception, for other  
11 than medical purposes.

12 (b) Sentence.

13 (1) A person convicted of a violation of subsection  
14 (a) (1) commits a Class X felony, for which the person shall  
15 be sentenced to a term of imprisonment of not less than 6  
16 years and not more than 60 years. A person convicted of a  
17 violation of subsection (a) (2) (A) commits a Class X felony  
18 for which 15 years shall be added to the term of  
19 imprisonment imposed by the court. A person convicted of a  
20 violation of subsection (a) (2) (B) commits a Class X felony  
21 for which 20 years shall be added to the term of  
22 imprisonment imposed by the court. A person convicted of a  
23 violation of subsection (a) (2) (C) commits a Class X felony  
24 for which the person shall be sentenced to a term of  
25 imprisonment of not less than 50 years or up to a term of  
26 natural life imprisonment.

1           (1.1) A person convicted of a violation of subsection  
2           (a) (2) (D) commits a Class X felony for which the person  
3           shall be sentenced to a term of imprisonment of not less  
4           than 50 years and not more than 60 years.

5           (1.2) A person convicted of predatory criminal sexual  
6           assault of a child committed against 2 or more persons  
7           regardless of whether the offenses occurred as the result  
8           of the same act or of several related or unrelated acts  
9           shall be sentenced to a term of natural life imprisonment.

10          (2) A person who is convicted of a second or subsequent  
11          offense of predatory criminal sexual assault of a child, or  
12          who is convicted of the offense of predatory criminal  
13          sexual assault of a child after having previously been  
14          convicted of the offense of criminal sexual assault or the  
15          offense of aggravated criminal sexual assault, or who is  
16          convicted of the offense of predatory criminal sexual  
17          assault of a child after having previously been convicted  
18          under the laws of this State or any other state of an  
19          offense that is substantially equivalent to the offense of  
20          predatory criminal sexual assault of a child, the offense  
21          of aggravated criminal sexual assault or the offense of  
22          criminal sexual assault, shall be sentenced to a term of  
23          natural life imprisonment. The commission of the second or  
24          subsequent offense is required to have been after the  
25          initial conviction for this paragraph (2) to apply.

26          (Source: P.A. 95-640, eff. 6-1-08; 96-1551, eff. 7-1-11.)".